

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-253

TRACY A. PETERS,

Defendant.

ORDER

Tracy A. Peters was convicted of murder within the boundaries of the Menominee Indian Reservation following a jury trial on April 20, 2006. The conviction was affirmed by the United States Court of Appeals for the Seventh Circuit on July 2, 2007, and a previous motion to vacate the conviction under 28 U.S.C. § 2255 was denied in 2008. *Peters v. U.S.*, Case number 08-CV-729. Several additional collateral challenges to the conviction were thereafter denied. Peters has now filed a “motion for leave to seek a certificate of innocence and to stay the court’s decision on motion pending further appeals and other actions.” The motion is brought pursuant to 28 U.S.C. § 1495.

The motion is denied. The statute cited by Peters permits an award of damages for unjust conviction and imprisonment. It does not provide a vehicle for collateral attack of the conviction. Peters has already exhausted his appeals and his right to seek collateral relief. Nothing alleged in his new motion supports his claim that this court has jurisdiction to award any relief.

Accordingly, the motion is **DENIED** for lack of jurisdiction. No certificate of appealability shall issue.

SO ORDERED this 1st day of July, 2015.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court